

CITATION: Ferraro v. Law Enforcement Complaints Agency, 2025 ONSC 6005
DIVISIONAL COURT FILE NO.: DC-25-87
DATE: October 23, 2025

ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT

Sweeny R.S.J., Nakatsuru and Shore JJ.

BETWEEN:)
)
Riley Ferraro)
) Self-Represented
Applicant)
)
- and -)
)
Law Enforcement Complaints Agency) Morvarid Shojaei for the Respondent
(LECA))
)
Respondent)
)
)
) **HEARD:** October 10, 2025

Introduction

[1] This is an application for judicial review under the *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1. On August 16, 2024, the Complaints Director of the Law Enforcement Complaints Agency (LECA) confirmed the Guelph Chief of Police’s May 2, 2024, determination that misconduct allegations against several officers were unsubstantiated. LECA found the Professional Standards investigation was adequate and supported by the evidence, and therefore confirmed the Chief’s decision.

The Incident

[2] On June 30, 2023, Guelph Police officers responded to a 911 call involving Riley Ferraro. They were told by a witness that Mr. Ferraro had assaulted him with a chair and threatened him with a knife.

[3] The Guelph Tactics and Rescue unit was dispatched. They entered the house with the consent of the owner. Mr. Ferraro was in his bedroom. A licenced crisis negotiator engaged

with Mr. Ferraro and negotiated with him for about one hour. In the absence of any progress and having no communication from Mr. Ferraro for about 15 minutes, the police breached the door and entered the bedroom. Mr. Ferraro did not comply with direction to get on his knees and a taser (Conducted Energy Weapon “CEW”) was deployed. Mr. Ferraro fell to the ground.

- [4] Mr. Ferraro was arrested for assault with a weapon and uttering threats. He was cautioned and given his rights to counsel. He was not given his socks and glasses as requested. He was transported to the hospital by ambulance. He was examined and discharged.

Mr. Ferraro’s Complaints and Investigation

- [5] Mr. Ferraro filed a misconduct complaint with the LECA on January 31, 2024. He alleged that officers arrested him without a warrant or lawful grounds, used excessive force, directed foul language at him, and retaliated against him because he was in the process of preparing a complaint to LECA.
- [6] LECA referred the matter to the Guelph Police Service (GPS) Professional Standards Bureau for investigation. The investigator interviewed Ferraro, reviewed officer notes, duty statements, body-worn camera footage, civilian witness statements, medical reports, and other materials. On May 2, 2024, Chief Gordon Cobey (Chief) concluded that the allegations were unsubstantiated and that there were no reasonable grounds to believe misconduct had occurred.
- [7] Mr. Ferraro requested a review by the LECA Director (Director) under section 71 of the *Police Services Act*, R.S.O 1990, c. P.15. On August 16, 2024, the Director confirmed the Chief’s decision, finding that the investigation was adequate and that the Chief’s findings were supported by the evidence.
- [8] Mr. Ferraro seeks judicial review of this decision.
- [9] I will briefly review the investigation and the Chief’s decision, and then address the Director’s decision.

The GPS investigation and Chief’s decision

- [10] Sergeant Lester Tang was assigned to investigate (Investigator). He interviewed the applicant, obtained statements from the respondent and witness officers, and reviewed various evidentiary records, including footage from the officers’ body-worn cameras, the 911 recording, and the video provided by the applicant. He also examined GPS policies and procedures, along with the relevant laws.
- [11] Mr. Ferraro alleged that his arrest was unlawful. On the issue of unlawful arrest, the Investigator concluded that there was sufficient basis for an impartial, dispassionate person to have formed grounds for the arrest of Mr. Ferraro on the offences of Utter Threats and Assault with a Weapon.

- [12] Mr. Ferraro alleged that the officer entered his room without permission. On this issue, the Investigator found that the officer had lawful authority to enter the house and the bedroom.
- [13] Mr. Ferraro alleged that the officer who deployed the CEW used excessive force by deploying the CEW. The Investigator found that the deployment occurred after multiple demands were made for compliance and that the officer had sufficient cause to deploy the CEW.
- [14] Mr. Ferraro alleged that one officer had a grudge against him because of a prior complaint. On this issue, that officer denied the allegation and maintains his handling of the incident was in no way impacted or influenced by his past association with Mr. Ferraro. This was supported by the evidence.
- [15] Mr. Ferraro alleged that on entering the bedroom, the officer who deployed the CEW saw a draft of a complaint on his computer monitor. The officer said he was unaware of what was on the complainant's computer monitor when he deployed the CEW. The Investigator found insufficient evidence to substantiate this allegation.
- [16] Mr. Ferraro also alleged that, during negotiations, he told the negotiating officer that the police attendance was a form of harassment and that he would be making a complaint. He asserted that that officer saw the draft of the complaint and in retaliation the CEW was deployed by the deploying officer. The officer acknowledged that the complainant said he was going to file a complaint, and he responded that the complainant was free to do so. The officer did advise the Investigator that he noticed the complaint display on the computer screen after the arrest and it played no role in the decision.
- [17] Mr. Ferraro alleged that after being arrested he sought to retrieve his glasses and socks, and the officers did not do so. The Investigator observed that according to the Guelph police service procedure, there is no requirement for the responding officers to comply with Mr. Ferraro's request. Also, Mr. Ferraro was offered socks at the hospital by paramedics.
- [18] With respect to the allegation of profanity uttered by an officer, the officer did not deny making the statement. The Investigator noted that there are circumstances when such expressions may be used. The Investigator found that the utterances did not cross the threshold of discreditable conduct. However, the investigator pointed out the choice of words was unnecessarily confrontational and should be avoided. The officer was to be informally reprimanded and informed that his conduct, while not discreditable was not proper behavior for a member of the Guelph Police Service.
- [19] The Investigator concluded that the responding officers carried out their assigned tasks in a lawful matter. There was insufficient evidence to establish reasonable grounds that the respondent officers breached the misconduct provisions of the Police Services Act.
- [20] On May 2, 2024, the Chief issued a decision advising the applicant and the Director that after a review of all the evidence and for reasons outlined in the investigative report, the allegations of misconduct are unsubstantiated.

The Director's Review

- [21] Mr. Ferraro requested that the Director review the Chief's decision. He reiterated his allegations that the officer broke into his house and assaulted him. He wanted the officer to be dismissed and criminally charged. He disputed the claim that there were grounds for his arrest and that he was in close proximity to a knife. He challenged the validity of the criminal charges and the credibility of a civilian witness.
- [22] He also made a complaint about the conduct of the Investigator. The Director noted this was outside the scope of the review. Mr. Ferraro would need to file a new complaint to address the conduct of the Investigator.
- [23] The Director reviewed the investigation in detail and noted that the Investigator interviewed Mr Ferraro, reviewed officer and civilian witness statements, examined body-worn camera footage, considered medical records, and assessed Mr. Ferraro's submissions. The Investigator reviewed the video submitted by Mr. Ferraro.
- [24] In reviewing the decision of the Chief, the Director identified two issues to be considered:
- (1) did the professional standards investigator adequately address the issues raised in the complaint, and;
 - (2) were the Chief's findings supported by the available evidence?
- [25] On the first question, Director determined that a reasonable professional standards investigation was conducted, identifying all relevant evidence and that each of the complaints had been addressed in the report.
- [26] On the second issue, after reviewing the applicant's allegations and the available evidence, the Director concluded that the Chiefs findings were supported by the available evidence and clearly laid out the path or reasoning in support of the conclusions.
- [27] The Director noted that the report was comprehensive and detailed. The allegations of misconduct were correctly identified by the investigator. The investigator's findings were consistent with the available evidence and clearly laid out the path of reasoning to support the conclusions.
- [28] The Director concluded:
- Based on my review of the LECA complaint materials, the complainant submissions, the GPS submissions, and the PSU investigative report, I am satisfied that his finding is supported by the available evidence, and I hereby confirm that decision.

Judicial Review

Standard of Review

- [29] The standard of review on this application is reasonableness: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, [2019] 4 S.C.R. 653. For issues of procedural fairness, the requisite level of fairness must be provided.

Mr. Ferraro's complaint about the Director's decision

- [30] Mr. Ferraro's essentially raises the same issues that were before the Investigator, with the exception of the complaint about the Investigator's conduct, and essentially the same issues that were raised by him in the Director's review.
- [31] Mr. Ferraro asserts that the Director failed to address the evidence he provided about misconduct and criminal behaviour. He asserts that the police conduct was criminal consisting of break and enter, assault with a weapon, and kidnapping. He asserts that the officers entered his room without a warrant or any legal grounds. He was tasered for no reason whatsoever and the officers refused to let him wear his glasses and shoes or socks.
- [32] He also seeks an order that the Director charge the police with offences under the *Criminal Code*.

Analysis

- [33] The Director has no authority to grant the relief requested, that the police be charged with a criminal offence, and neither does this Court.
- [34] The Director's determination that the complaint against the investigator was not properly before him was reasonable. A separate complaint would need to be made.
- [35] The Director's decision fairly summarized the complaint and the applicant's submissions were considered.
- [36] Mr. Ferraro's allegation that the Director failed to recognize the illegal activity is not borne out by the evidence. The Director upheld the finding that Mr. Ferraro was lawfully arrested for assault with a weapon and uttering threats. This was based on information received from a civilian witness.
- [37] On the issue of excessive force, the deployment of the taser was in the context of Mr. Ferraro's failure to comply with reasonable directions given by the officer at the time of the arrest. The Director's findings on the allegations are consistent with the applicable legal framework. Mr. Ferraro was transported to the hospital after his arrest. The Director's decision on this issue was reasonable.
- [38] The Director upheld that finding that there was not sufficient evidence to substantiate that the officers' actions were retaliatory to a previous or threatened complaint. This is reasonable.
- [39] The Director upheld that finding that there was no obligation to allow Mr. Ferraro to retrieve his sock and glasses at the time of his arrest. This is a reasonable finding.

- [40] On the issue of the use of profanity, the Director upheld the decision of the Chief on that issue. It did not rise to the level of discreditable conduct but was not appropriate. Once again, this was reasonable.
- [41] The Director's decision was based on internally coherent reasoning and is justified in light of the legal and factual constraints that bear on it. Having considered all of the applicant's submissions, we are not persuaded that the decision is unreasonable.
- [42] The application is dismissed.
- [43] With respect to costs, the respondent does not seek costs, and none are awarded.

I agree,

P. R. Sweeny R.S.J.

I agree,

Nakatsuru J.

Shore J.

Released: October 23, 2025

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BETWEEN:

Riley Ferraro

– and –

Law Enforcement Complaints Agency (LECA)

REASONS FOR JUDGMENT

Released: October 23, 2025